

1 LAW OFFICES OF SCOTT L. TEDMON
2 A Professional Corporation
3 SCOTT L. TEDMON, CA. BAR # 96171
4 717 K Street, Suite 227
5 Sacramento, California 95814
6 Telephone: (916) 441-4540
7 Email: tedmonlaw@comcast.net

5 Attorney for Petitioner
ANGEL JESUS ALVAREZ

18 On September 5, 2007, Respondent filed a Motion to Dismiss Petition for Writ of Habeas
19 Corpus as Untimely. Petitioner's counsel received the motion to dismiss from the Clerk of the Court
20 via ECF service on September 5, 2007. The hearing date on the motion to dismiss was initially set
21 for October 30, 2007. On September 10, 2007, Respondent withdrew the October 30, 2007 hearing
22 date on the motion to dismiss. There is presently no hearing date set on the motion to dismiss.
23 Pursuant to Habeas L.R. 2254-6, it is Petitioner's understanding is that his response is due on
24 October 5, 2007.

25 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, Petitioner respectfully requests an
26 extension of time of 60 days to file a response to the motion to dismiss. See Habeas L.R. 2254-6(c)
27 and Rule 5(e) of the Rules Governing Section 2254 Cases. Good cause is set forth in the attached
28 declaration.

1 Respondent's counsel, Deputy Attorney General Violet M. Lee, agrees to a 60-day extension
2 of time in light of the issues and facts presented in the motion to dismiss, combined with the location
3 of Petitioner and his counsel and their need to personally meet and confer in preparation for the
4 response.

DATED: September 24, 2007

Respectfully submitted,
LAW OFFICES OF SCOTT L. TEDMON

/s/ Scott L. Tedmon
SCOTT L. TEDMON
Attorney for Petitioner Angel Jesus Alvarez

1 LAW OFFICES OF SCOTT L. TEDMON
2 A Professional Corporation
3 SCOTT L. TEDMON, CA. BAR # 96171
4 717 K Street, Suite 227
5 Sacramento, California 95814
6 Telephone: (916) 441-4540
7 Email: tedmonlaw@comcast.net

8 Attorney for Petitioner
9 ANGEL JESUS ALVAREZ
10
11

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15
16

17 ANGEL JESUS ALVAREZ,)
18 Petitioner,) No. C06-5027 MJJ
19 v.)
20) DECLARATION OF SCOTT L. TEDMON
21) IN SUPPORT OF APPLICATION
22) FOR EXTENSION OF TIME
23 ROBERT AYERS, JR.,)
24 Respondent.)
25 _____)

26 SCOTT L. TEDMON states under penalty of perjury:

27 1. I am the counsel of record for Petitioner Angel Jesus Alvarez.
28
29 2. On September 5, 2007, I was served with Respondent's motion to dismiss. Pursuant to
30 Habeas L.R. 2254-6, it is my understanding that Petitioner's response to the motion to dismiss is due
31 on October 5, 2007. I have made no prior request for an extension of time.
32
33 3. After receiving the motion to dismiss and giving it an initial review, I sent a complete
34 copy of the motion with a cover letter to Petitioner Alvarez on September 10, 2007. Petitioner
35 Alvarez is presently incarcerated at San Quentin State Prison.
36
37 4. Since the filing of the motion to dismiss, I have been communicating with Petitioner
38 Alvarez by mail and telephone. However, due to the limited nature of these contacts, it is not
39 possible to properly address the issues and facts raised by Respondent in their motion to dismiss.

1 In addition to my own research and review, it will be necessary for me to personally meet and confer
2 with Petitioner Alvarez for a minimum of two legal visits at San Quentin State Prison in order to
3 fully and properly respond to Respondent's motion to dismiss.

4 5. In addition to Petitioner's case and other matters I am currently handling, I have a federal
5 jury trial set to begin on November 6, 2007 in the Eastern District of California before the Honorable
6 Lawrence K. Karlton. The case is U.S. v. Robert Oliver, et al., case number Cr. S- 04-118 LKK and
7 involves three defendants facing a 35-count Indictment alleging conspiracy to commit wire fraud,
8 wire fraud, money laundering, tax evasion, subscribing to a false tax return and false statement. I
9 represent Robert Oliver and the trial is expected to last a minimum of four weeks. While I will be
10 able to work on Petitioner Alvarez's response during the Oliver trial, my time will be somewhat
11 limited.

12 6. An extension of time of 60 days is necessary in light of my schedule, the legal and factual
13 issues presented in Respondent's motion to dismiss, the location of Petitioner Alvarez and the need
14 for me to personally meet and confer with him regarding the issues raised, and to fully prepare and
15 present for the Court's review Petitioner Alvarez's response to the motion.

16 For the reasons stated, I respectfully request that the Court grant an extension to December
17 5, 2007, to file a response to the motion to dismiss.

18 Executed this 24th day of September 2007, at Sacramento, California.

19 /s/ Scott L. Tedmon
20 SCOTT L. TEDMON
21 Attorney for Petitioner Angel Jesus Alvarez

22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL JESUS ALVAREZ,)
Petitioner,) No. C06-5027 MJJ
v.) [PROPOSED] ORDER
ROBERT AYERS, JR., Warden,)
Respondent.)

GOOD CAUSE appearing, it is hereby ordered that the time within which to file Petitioner's response to Respondent's motion to dismiss is extended sixty (60) days to and including December 5, 2007.

DATED:

HONORABLE MARTIN J. JENKINS
United States District Judge